



Appeal Decision

Site visit made on 19 January 2022

by Neil Pope BA(HONS) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7th February 2022

Appeal Ref: APP/N1160/W/21/3279790

Land to the west of 857 Wolseley Road, Plymouth, Devon, PL5 1JR.

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr S Smith against the decision of Plymouth City Council.
 - The application Ref 20/01079/FUL, dated 10/720, was refused by notice dated 21/4/21.
 - The development proposed is the erection of dwelling.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect upon the character and appearance of the area.

Reasons

Planning Policy

3. The development plan includes the Plymouth and South West Devon Joint Local Plan 2014-2034 (LP). The most important LP policies to the determination of this appeal are DEV10 (high quality housing), DEV23 (landscape), DEV27 (green spaces) and DEV28 (trees).
4. I have also had regard to the National Planning Policy Framework (the Framework), including policies that are aimed at making effective use of land.

Character and Appearance

5. This 0.096 ha site forms part of the steeply sloping wooded hillside on the northern side of Kinterbury Creek. Part of the site has previously been in use as a quarry. I also understand that the site formed part of the curtilage to 861 Wolseley Road. However, it is now annexed from this neighbouring property. Trees¹ and thick vegetation growing within the site form an integral part of the naturalistic qualities of the creek.
6. From sections of the various public paths in and around Kinterbury Creek, including the foreshore along Kiln Bay, the appeal site forms a pleasing break in the residential development along Wolseley Road. The trees compliment the woodland on the opposite side of the creek and are an attractive landscape feature. The site makes a very positive contribution to the character and appearance of this coastal environment and city edge.

¹ These are the subject of a Tree Preservation Order. Like many areas of woodland, there is variation in the vigour of these trees and some could fall victim to Ash Dieback. However, there are other healthy trees which have been identified as 'Category A and B' specimens (high or moderate quality) within the appellant's arboricultural report.

7. The site lies within Landscape Character Type (LCT) 7A 'Wooded Valleys'². It exhibits some of the key characteristics of this LCT. These include, steep valley sides, dense tree cover, being part of a naturalistic haven and an 'escape' from urban development. Moreover, the site has been identified as green space within the LP. I concur with the Inspectors who determined previous appeals³ on the site and who found that it makes a significant contribution to the character and appearance of Kinterbury Creek.
8. The proposed three storey house would be stepped down into the slope of the land with the lower portion supported on posts. This, and the use of pile foundations, would limit the impact upon tree roots growing within the site. New planting would be undertaken and the remaining woodland would be managed. The lower portion of the building would be akin, in appearance, to a boathouse. This new house would be finished with timber clad walls and pitched natural slate roofs. Thoughtful consideration has been given to the design and the proposal would accord with the thrust of LP policy DEV10.
9. However, notwithstanding the best endeavours of the appellant's architect, the proposed development would intrude into this area of woodland and would convey the impression of residential development spreading down the hillside towards the water's edge. In so doing, eleven trees would be removed. Whilst the majority of these have been identified as 'Category C' trees (low quality) some are 'Category B'. Collectively, these trees form an integral part of this section of the attractive wooded hillside along Kinterbury Creek. The proposal would markedly change the character and appearance of the site and be seriously at odds with key characteristics of the 'Wooded Valleys' LCT.
10. Replacement tree planting would take time establish and even then this sizeable new building, together with its associated residential activity⁴ and inevitable domestic paraphernalia, would unacceptably erode and detract from the pleasing naturalistic qualities of the site. If the remaining trees survived the rigours of the construction phase it is likely that occupiers of the proposed dwelling would perceive the close proximity of them as a nuisance⁵. In turn, this could result in future pressure being applied on the Council to have more trees removed. This would be difficult to resist and would further erode the sylvan qualities of the site and diminish the contribution it makes to the local environment. The adverse landscape and visual impacts of the proposal would conflict with the provisions of LP policies DEV23, DEV27 and DEV28.
11. Although the proposed building would be designed to a high standard, the overall environmental impact of the appeal scheme would be adverse. The proposed would conflict with the provisions of the Framework which require development to safeguard and improve the environment.
12. I conclude on the main issue that the proposed development would unacceptably harm the character and appearance of the area.

Other Matters

13. The appeal site lies within Kinterbury Creek County Wildlife Site. It is also within the 'zones of influence' for the Plymouth Sound and Estuaries Special

² As defined within the Devon County Council Landscape Character Assessment.

³ APP/N1160/A/12/2179622 and APP/N1160/W/15/3134506.

⁴ Including light spill from the sizeable windows that overlook the creek.

⁵ Including deposits of tree debris on the house and garden, as well as obstruction to light and some views.

Area of Conservation (SAC) and the Tamar Estuaries Special Protection Area (SPA). The proposal, in combination with other projects and plans, would be likely to affect the SAC and SPA⁶. However, the Council has informed me that the adverse impacts of the appeal scheme upon the SAC and SPA would be mitigated by way of a contribution set out within its adopted Community Infrastructure Levy Charging Schedule.

14. The proposal would add to the stock of housing within Plymouth and would provide some limited support to the construction industry. It would also increase Council Tax receipts. I note the appellant's argument that the development would deter anti-social behaviour on the site and could result in some very modest habitat enhancement. Whilst I have determined this case on its own merits, I note that similar arguments were made in the last appeal that was dismissed in 2016. These other matters are insufficient to outweigh the harm that I have identified in respect of the main issue above.

Overall Conclusion

15. Given all of the above, I conclude that the appeal should not succeed.

Neil Pope

Inspector

⁶ I note the Council's Habitats Regulations Assessment dated 20 October 2020. Its responses to questions 19.a and 19.b of the Appeal Questionnaire are incorrect.